



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

June 14, 2024

By ECF

The Honorable Lewis J. Liman
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Chan v. U.S. Dep't of Transp., et al.*, No. 23 Civ. 10365 (LJL);
Mulgrew v. U.S. Dep't of Transp., et al., No. 24 Civ. 1644 (LJL);
NYACPT v. U.S. Dep't of Transp., et al., No. 24 Civ. 367 (LJL)

Dear Judge Liman:

This Office represents the Federal Defendants in the above-captioned cases. We write in response to the Court's order dated June 10, 2024, to inform the Court of the Federal Defendants' position on whether these cases are now moot and whether the motions no longer require decision. For the reasons set forth in the letter of the MTA Defendants dated June 11, 2024 and filed with the court, the Federal Defendants do not believe that these matters have become moot and believe that the parties would benefit from a ruling on the outstanding fully briefed motions.

The Federal Defendants also write to inform the Court that the Project Sponsors requested that the Federal Highway Administration ("FHWA") proceed with the next step in the agency's review under the National Environmental Policy Act and complete the ongoing re-evaluation of the May 5, 2023 Final Environmental Assessment ("EA"). Accordingly, on June 14, 2024, FHWA issued a re-evaluation finding that the conclusions in the Final EA remain valid in light of the final tolling schedule adopted by the MTA and thus that no further environmental review is warranted. The re-evaluation is available on the MTA's website at: <https://new.mta.info/project/CBDTP/reevaluation>.

We thank the Court for its attention to this matter.

Respectfully Submitted,

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